

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
DAVENPORT DIVISION

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ROBERT W. KRAMER, III d/b/a  
CIS INTERNET SERVICES,

Plaintiff,

vs.

JOHN DOES 1-300, BRIAN YOUNG,  
KEVIN HERTZ, JONATHAN  
SADOWSKY, and MIHIR TENEJA, et al,

Defendants.

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NO. 3:03-CV-80109-CRW-TJS

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ANSWER TO COMPLAINT AND  
SECOND AMENDED COMPLAINT  
AND JURY DEMAND

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COMES NOW National Credit Systems, Inc., and for its Answer to the Complaint and  
Second Amended Complaint states:

**ANSWER TO COMPLAINT**

1. Each and every allegation of paragraph 1 of the Complaint is denied for lack of information upon which to form a belief.
2. Each and every allegation of paragraph 2 of the Complaint is denied for lack of information upon which to form a belief.
3. Each and every allegation of paragraph 3 of the Complaint is denied for lack of information upon which to form a belief.
4. Each and every allegation of paragraph 4 of the Complaint is denied for lack of information upon which to form a belief.
5. Each and every allegation of paragraph 5 of the Complaint is denied for lack of information upon which to form a belief.

6. Each and every allegation of paragraph 6 of the Complaint is denied for lack of information upon which to form a belief.

7. Each and every allegation of paragraph 7 of the Complaint is denied for lack of information upon which to form a belief.

8. Each and every allegation of paragraph 8 of the Complaint is denied for lack of information upon which to form a belief.

9. Each and every allegation of paragraph 9 of the Complaint is denied for lack of information upon which to form a belief.

10. Each and every allegation of paragraph 10 of the Complaint is denied for lack of information upon which to form a belief.

11. Each and every allegation of paragraph 11 of the Complaint is denied for lack of information upon which to form a belief.

12. Each and every allegation of paragraph 12 of the Complaint is denied for lack of information upon which to form a belief.

13. Each and every allegation of paragraph 13 of the Complaint is denied for lack of information upon which to form a belief.

14. Each and every allegation of paragraph 14 of the Complaint is denied for lack of information upon which to form a belief.

15. Each and every allegation of paragraph 15 of the Complaint is denied.

16. Each and every allegation of paragraph 16 of the Complaint is denied.

17. Each and every allegation of paragraph 17 of the Complaint is denied.

18. Each and every allegation of paragraph 18 of the Complaint is denied.

19. Each and every allegation of paragraph 19 of the Complaint is denied for lack of information upon which to form a belief.

20. Each and every allegation of paragraph 20 of the Complaint is denied.

21. Each and every allegation of paragraph 21 of the Complaint is denied.

22. The answers set forth in paragraphs 1-21 above are reasserted as if the same were set forth herein in full.

23. The allegations set forth in paragraph 23 of the Complaint are admitted.

24. Each and every allegation of paragraph 24 of the Complaint is denied.

25. Each and every allegation of paragraph 25 of the Complaint is denied.

26. Each and every allegation of paragraph 26 of the Complaint is denied.

27. Each and every allegation of paragraph 27 of the Complaint is denied.

28. Each and every allegation of paragraph 28 of the Complaint is denied.

29. Each and every allegation of paragraph 29 of the Complaint is denied.

30. Each and every allegation of paragraph 30 of the Complaint is denied.

31. Each and every allegation of paragraph 31 of the Complaint is denied.

32. The answers set forth in paragraphs 1-31 above are reasserted as if the same were set forth herein in full.

33. The allegations of paragraph 33 of the Complaint are admitted.

34. Each and every allegation of paragraph 34 of the Complaint is denied.

35. Each and every allegation of paragraph 35 of the Complaint is denied.

36. Each and every allegation of paragraph 36 of the Complaint is denied for lack of information upon which to form a belief.

37. Each and every allegation of paragraph 37 of the Complaint is denied.

38. Each and every allegation of paragraph 38 of the Complaint is denied.

39. Each and every allegation of paragraph 39 of the Complaint is denied.

40. Each and every allegation of paragraph 40 of the Complaint is denied.

41. Each and every allegation of paragraph 41 of the Complaint is denied.

42. Each and every allegation of paragraph 42 of the Complaint is denied.

43. Each and every allegation of paragraph 43 of the Complaint is denied.

44. Each and every allegation of paragraph 44 of the Complaint is denied.

45. Each and every allegation of paragraph 45 of the Complaint is denied.

46. The answers set forth in paragraphs 1-45 above are reasserted as if the same were set forth herein in full.

47. Each and every allegation of paragraph 47 of the Complaint is denied.

48. Each and every allegation of paragraph 48 of the Complaint is denied for lack of information upon which to form a belief.

49. Each and every allegation of paragraph 49 of the Complaint is denied.

50. Each and every allegation of paragraph 50 of the Complaint is denied.

51. Each and every allegation of paragraph 51 of the Complaint is denied.

52. Each and every allegation of paragraph 52 of the Complaint is denied.

53. The answers set forth in paragraphs 1-52 above are reasserted as if the same were set forth herein in full.

54. Each and every allegation of paragraph 54 of the Complaint is denied.

55. Each and every allegation of paragraph 55 of the Complaint is denied for lack of information upon which to form a belief.

56. Each and every allegation of paragraph 56 of the Complaint is denied.

57. Each and every allegation of paragraph 57 of the Complaint is denied.

58. Each and every allegation of paragraph 58 of the Complaint is denied.

59. Each and every allegation of paragraph 59 of the Complaint is denied.

60. Each and every allegation of paragraph 60 of the Complaint is denied.

61. The answers set forth in paragraphs 1-60 above are reasserted as if the same were set forth herein in full.

62. Each and every allegation of paragraph 62 of the Complaint is denied.

63. Each and every allegation of paragraph 63 of the Complaint is denied.

64. Each and every allegation of paragraph 64 of the Complaint is denied.

65. Each and every allegation of paragraph 65 of the Complaint is denied.

66. Each and every allegation of paragraph 66 of the Complaint is denied.

67. Each and every allegation of paragraph 67 of the Complaint is denied.

68. The answers set forth in paragraphs 1-67 above are reasserted as if the same were set forth herein in full.

69. Each and every allegation of paragraph 69 of the Complaint is denied.

70. Each and every allegation of paragraph 70 of the Complaint is denied.

71. Each and every allegation of paragraph 71 of the Complaint is denied.

72. Each and every allegation of paragraph 72 of the Complaint is denied.

73. Each and every allegation of paragraph 73 of the Complaint is denied.

74. Each and every allegation of paragraph 74 of the Complaint is denied.

75. Each and every allegation of paragraph 75 of the Complaint is denied.

76. Each and every allegation of paragraph 76 of the Complaint is denied.

77. The answers set forth in paragraphs 1-76 above are reasserted as if the same were set forth herein in full.

78. The allegations set forth in paragraph 78 of the Complaint are admitted.

79. Each and every allegation of paragraph 79 of the Complaint is denied.

80. Each and every allegation of paragraph 80 of the Complaint is denied.

81. Each and every allegation of paragraph 81 of the Complaint is denied.

82. Each and every allegation of paragraph 82 of the Complaint is denied.

83. Each and every allegation of paragraph 83 of the Complaint is denied.

84. Each and every allegation of paragraph 84 of the Complaint is denied.

85. Each and every allegation of paragraph 85 of the Complaint is denied.

86. The answers set forth in paragraphs 1-85 above are reasserted as if the same were set forth herein in full.

87. Each and every allegation of paragraph 87 of the Complaint is denied.

88. Each and every allegation of paragraph 88 of the Complaint is denied.

89. Each and every allegation of paragraph 89 of the Complaint is denied.

90. Each and every allegation of paragraph 90 of the Complaint is denied.

91. Each and every allegation of paragraph 91 of the Complaint is denied.

92. Each and every allegation of paragraph 92 of the Complaint is denied.

93. Each and every allegation of paragraph 93 of the Complaint is denied.

94. Each and every allegation of paragraph 94 of the Complaint is denied.

95. Each and every allegation of paragraph 95 of the Complaint is denied.

96. The answers set forth in paragraphs 1-95 above are reasserted as if the same were set forth herein in full.

97. Each and every allegation of paragraph 97 of the Complaint is denied.

98. Each and every allegation of paragraph 98 of the Complaint is denied.

99. Each and every allegation of paragraph 99 of the Complaint is denied.

100. It is admitted that Iowa Code §716.6B(2) provides a civil cause of action, but each and every other allegation of paragraph 100 of the Complaint is denied.

101. Each and every allegation of paragraph 101 of the Complaint is denied.

102. Each and every allegation of paragraph 102 of the Complaint is denied.

103. The answers set forth in paragraphs 1-102 above are reasserted as if the same were set forth herein in full.

104. Each and every allegation of paragraph 104 of the Complaint is denied.

105. Each and every allegation of paragraph 105 of the Complaint is denied.

106. Each and every allegation of paragraph 106 of the Complaint is denied.

107. Each and every allegation of paragraph 107 of the Complaint is denied.

108. The answers set forth in paragraphs 1-107 above are reasserted as if the same are set forth herein in full.

109. Each and every allegation of paragraph 109 of the Complaint is denied.

110. Each and every allegation of paragraph 110 of the Complaint is denied.

111. Each and every allegation of paragraph 111 of the Complaint is denied.

112. Each and every allegation of paragraph 112 of the Complaint is denied.

113. The answers set forth in paragraphs 1-112 above are reasserted as if the same were set forth herein in full.

114. Each and every allegation of paragraph 114 of the Complaint is denied.

115. It is admitted that National Credit Systems, Inc. has paid no compensation to CIS, but each and every other allegation of paragraph 115 of the Complaint is denied.

116. Each and every allegation of paragraph 116 of the Complaint is denied.

117. Each and every allegation of paragraph 117 of the Complaint is denied.

118. Each and every allegation of paragraph 118 of the Complaint is denied.

119. The answers set forth in paragraphs 1-118 above are reasserted as if the same were set forth herein in full.

120. Each and every allegation of paragraph 120 of the Complaint is denied for lack of information upon which to form a belief.

121. Each and every allegation of paragraph 121 of the Complaint is denied.

122. Each and every allegation of paragraph 122 of the Complaint is denied.

123. Each and every allegation of paragraph 123 of the Complaint is denied.

124. Each and every allegation of paragraph 124 of the Complaint is denied.

125. Each and every allegation of paragraph 125 of the Complaint is denied.

126. The answers set forth in paragraphs 1-125 above are reasserted as if the same were set forth herein in full.

127. Each and every allegation of paragraph 127 of the Complaint is denied for lack of information upon which to form a belief.

128. Each and every allegation of paragraph 128 of the Complaint is denied.

129. Each and every allegation of paragraph 129 of the Complaint is denied.

130. Each and every allegation of paragraph 130 of the Complaint is denied.

131. Each and every allegation of paragraph 131 of the Complaint is denied.

132. Each and every allegation of paragraph 132 of the Complaint is denied.



133. Each and every allegation of paragraph 133 of the Complaint is denied.

WHEREFORE, National Credit Systems, Inc. prays that Plaintiff's complaint be dismissed at Plaintiff's costs.

**ANSWER TO SECOND AMENDED COMPLAINT**

1. Each and every allegation set forth in Plaintiff's Second Amended Complaint is denied for lack of information upon which to form a belief.

WHEREFORE, National Credit Systems, Inc. prays that this matter be dismissed as Plaintiff's costs.

**AFFIRMATIVE DEFENSES**

1. The Complaint and Second Amended Complaint attached to the Summons does not specifically name or identify National Credit Systems, Inc. as a Defendant and, therefore, no cause of action has been stated against National Credit Systems, Inc.

2. No cause of action has been alleged upon which relief may be granted as Plaintiff has failed to state a time and place in which the events alleged have occurred.

3. Plaintiff is barred from his causes of action under the principals of estoppel and latches.

4. Statutes of limitations bar Plaintiff from pursuing his causes of action.

5. The Complaint is fatally defective because it names CIS Internet Services as a party, and Robert W. Kramer III has failed to register CIS Internet Services as a trade name pursuant to Iowa Code § 547.1.

WHEREFORE, National Credit Systems, Inc. prays that this matter be dismissed as Plaintiff's costs

**JURY DEMAND**

COMES NOW National Credit Systems, Inc. and hereby demands trial by jury.

Respectfully submitted,

/s/Michael J. Burdette

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**PROOF OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause by depositing the same in the U.S. Mail, postage pre-paid, to their respective mailing addresses disclosed on the pleadings or, in the event the party is represented by counsel, to their counsel; or notice of the filing of this instrument was sent by e-mail, via CM/ECF, to all parties on the service list who have registered to receive service by e-mail over CM/ECF, on November \_\_\_\_, 2008..

Signature: /s/ Michael J. Burdette